

## PEPPERELL CONSERVATION COMMISSION

Minutes – August 18, 2009

The Pepperell Conservation Commission (PCC) held a regularly scheduled meeting under the Massachusetts Wetlands Protection Act, MGL Ch. 131, §40 and the Pepperell Wetlands Protection By-Law. The meeting was held in the Town Hall at 7:00 p.m.

Members present: Elliott presiding, Masterson, Rice, and Sauer; members absent: Steeves, Rand, and Moody.

7:00 p.m.      Executive Session to discuss strategy with respect to litigation

Town Counsel Ned Richardson attended the meeting to participate in this discussion. At 7:00 p.m., on a motion from Elliott, seconded by Sauer, all

VOTED: to enter into Executive Session to discuss strategy with respect to litigation.

At 8:00 p.m., on a motion from Elliott, seconded by Sauer, all

VOTED: to end the Executive Session and resume the meeting in Open Session.

Minutes of this Executive Session will be made public when the issue under discussion is resolved.

7:10 p.m.      Continued Public Hearing re Notice of Intent filed by Louis Berube of Shattuck Oil Company for replacement of fuel storage and containment structures and parking areas at 16 Groton Street

At the request of the applicant prior to the meeting, this hearing was continued until Sept. 8, 2009 at 7:10 p.m.

### Other Business

A Request for a Certificate of Compliance for DEP File # 259-678 for Improvements to the Bemis Well, had been received. Fisher reported a satisfactory site visit. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Certificate of Compliance.

The Commission decided to again open the Heald Street Orchard for limited bow hunting with the same procedures as in past years.

The Commission discussed the lawn expansion violation at 142 River Road for which an Enforcement Order had been issued last year. Fisher reported that although she had not yet met with the owners to measure the distance from the edge of lawn and the wetland, the owners had left her a phone message saying that they would be able to meet within 2 weeks. The Commissioners decided to wait the 2 weeks for such a meeting to happen before considering issuing a second Enforcement Order.

The Commissioners asked Fisher to check to see if the trail ride scheduled for August 30 at Nissitissit Meadows results in damage to the trails.

The Commission approved a vacation for Fisher from Jan. 25 through Feb.4, 2010.

Upon a motion by Elliott, seconded by Sauer, with Masterson abstaining, it was

VOTED: to approve the minutes of July 21, 2009 as drafted.

Fisher said that the developers of North Village Estates were planning to seek Town Acceptance for their roadway (Village Road) at the Fall Special Town Meeting, scheduled for October 26. A Certificate of Compliance for the Order of Conditions for the roadway and drainage structures had not yet been issued. The subdivision had had two replication areas. The southern-most replication area, built by Al Patenaude, had been constructed in May 2002 with regular reporting, as required, through 2005. In 2005 the wetland scientist had declared that the replication area had met the standard of 75% wetland plants, and reporting ceased. In 2008 Fisher had reminded Patenaude that the Order actually required reporting until a Certificate of Compliance is issued. In 2008 an additional report by a different wetland scientist had been submitted, also stating that the replication area met the 75% standard. Fisher asked the Commission whether further reporting was needed. She said that the Order had also required water quality testing in Varnum Brook, and the Commission had decided that it could be stopped when all activity in the area of the brook had been completed. The Commission decided that since the Order was issued so long ago (2001), it was never intended that reporting should continue for years after the standard had been met. Rice suggested that Fisher put a note in the file stating that the Commission had decided that no further reporting on the south replication area was needed.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Ellen L. Fisher